

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In re:	)	CASE NO: 12-52265
	)	Chapter 13
Alonzo Robert Luster	)	
	)	
Crystal Lyn Luster	)	
	)	
Debtor(s).	)	Judge Marilyn Shea-Stonum
	)	
		<u>MOTION TO MODIFY PLAN</u>
		<u>SUBSEQUENT TO ITS CONFIRM-</u>
		<u>ATION</u>

Now come the above-captioned debtors, by and through the undersigned counsel, who pray for the entry of an order modifying their plan subsequent to its confirmation so as to provide for the allowance and the payment inside the plan as a priority claim the claim of the Internal Revenue Service for additional 2011 federal income taxes in the amount of \$11,188.00 as referred to on the attached Exhibit "A." The debtors further modify their plan so as to increase their monthly payments to the chapter 13 trustee from the present amount of \$995.00 to \$1,115.00 for the remaining duration of the debtors' five (5) year plan so as to provide for the payment of these additional taxes. Attached hereto as Exhibit "B" is an itemization of the debtors' present income and expenses showing how the debtors believe that they can afford this increase in their payments to the chapter 13 trustee.

WHEREFORE, the debtors pray for the entry of an order modifying their plan subsequent to its confirmation so as to provide for the allowance and payment of the above-referenced income taxes and increasing their monthly payment to the chapter 13 trustee to \$1,115.00 for the duration of the plan.

Respectfully Submitted,

/s/ Robert M. Whittington, Jr. 0007851  
39 E. Market St., Suite 303  
Akron, OH 44308  
330 384 8484  
fax 330 384 8953  
robertwhittington0@gmail.com

CERTIFICATE OF SERVICE

I certify that on May 23, 2013, a true and correct copy of the foregoing motion to modify the debtors' plan, with form 20 notice attached thereto, was served:

By regular U.S. Mail, postage prepaid, on:

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Internal Revenue Service  
Insolvency Group 6  
1240 East Ninth Street, Room 493  
Cleveland, OH 44199

Office of the United States Attorney  
Attn: Bankruptcy Section  
Carl B. Stokes United States Court House  
801 West Superior Avenue, Suite 400  
Cleveland, OH 44113-1852

Attorney General of the United States  
U.S. Department of Justice Tax Division  
Civil Trial Section, Northern Region  
P.O. Box 55, Ben Franklin Station  
Washington, DC 20044

And those parties whose names and complete addresses appear on the attached mailing matrix.

/s/ Robert M. Whittington, Jr. 0007851  
39 E. Market St., Suite 303  
Akron, OH 44308  
330 384 8484  
fax 330 384 8953  
robertwhittington0@gmail.com

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In re:	)	CASE NO: 12-52265
	)	Chapter 13
Alonzo Robert Luster	)	Judge Marilyn Shea-Stonum
Crystal Lyn Luster	)	<u>NOTICE OF MOTION TO</u> <u>MODIFY PLAN SUBSEQUENT</u> <u>TO CONFIRMATION</u>
Debtors.		

The debtors have filed papers with the Court to modify their plan subsequent to its confirmation.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

If you do not want the Court to grant the motion, or if you want the Court to consider your views on the motion, then on or before June 13, 2013, you or your attorney must file with the Court a written request for a hearing and a written answer explaining your position at the office of the Clerk of the Bankruptcy Court, room 455, U.S. Courthouse, 2 S. Main Street, Akron, Ohio 44308. If you mail your request to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Robert M. Whittington, Jr., 39 E. Market St., #303, Akron, OH 44308

Keith Rucinski, chapter 13 trustee, I Cascade Plaza, #2020, Akron, OH 44308

If you or your attorney do not take these steps, the Court may decide that you do

not oppose the relief sought in the motion or objection and may enter an order granting that relief.

DATE: May 23, 2013

/s/ Robert M. Whittington, Jr., 0007851  
Attorney for the Debtor(s)  
39 E. Market St., #303  
Akron, OH 44308  
(330) 384-8484



Department of Treasury  
Internal Revenue Service  
PO BOX 621505  
ATLANTA GA 30362-1505

066324.323434.0446.011 2 AB 0.384 1564



CRYSTAL L & ALONZO R LUSTER  
359 BEECHWOOD DR  
AKRON OH 44320-2301

Notice CP2000  
Tax Year 2011  
Notice date May 6, 2013  
Social Security number [REDACTED]  
AUR control number 550181958  
To contact us Phone 1-800-829-3009  
Fax 1-877-477-0967

Page 1 of 10



\*2906238052011\*

066324

Proposed changes to your 2011 Form 1040

**Amount due: \$11,188**

Thank you for your response to the previous notice we sent you about your 2011 Form 1040. Based on your response, we've determined you owe \$11,188 (including interest), which you need to pay by June 5, 2013.

### Summary of proposed changes

Tax you owe	\$9,236
Payments	\$225
Substantial tax understatement penalty	\$1,802
Interest	\$375
<b>Amount due by June 5, 2013</b>	<b>\$11,188</b>

### What you need to do immediately

Review this notice, and compare our changes to the information on your 2011 tax return.

#### If you agree with the changes we made

- Complete, sign and date the Response form on Page 7, and mail it to us along with your payment of \$11,188 so we receive it by June 5, 2013.
- If you can't pay the amount due, pay as much as you can now, and make payment arrangements that allow you to pay off the rest over time. If you want to apply for an installment plan, send in your Response form AND a completed Installment Agreement Request (Form 9465). Download Form 9465 from [www.irs.gov](http://www.irs.gov), or call 1-800-829-3676 to request a copy. You can also save time and money by applying online if you qualify. Visit [www.irs.gov](http://www.irs.gov) and search for keyword: "tax payment options" for more information about:
  - Installment and payment agreements
  - Payroll deductions
  - Credit card payments

#### If you don't agree with the changes

Complete the Response form on Page 7, and send it to us along with a signed statement and any documentation that supports your claim so we receive it by June 5, 2013.

### If we don't hear from you

If we don't receive your response by June 5, 2013, we will send you a Statutory Notice of Deficiency followed by a final bill for the proposed amount due. During this time, interest will increase and penalties may apply.



Continued on back...

1. The debtor-husband presently is (check one box and complete the blanks):

☐ Employed by \_\_\_\_\_ and earning net take-home wages of \$ \_\_\_\_\_ every \_\_\_\_\_.

☐ Unemployed and receiving net unemployment compensation of \$ \_\_\_\_\_ every \_\_\_\_\_.

☒ Disabled and receiving income of \$ \_\_\_\_\_ every \_\_\_\_\_.  
*VA disability \$3601.00 / mo*  
*VA pension 880.00 / mo*

☐ Unemployed or disabled and receiving no income or other compensation

☐ Other

(explain) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

2. The debtor wife presently is (check one box and complete the blanks):

☐ Employed by \_\_\_\_\_ and earning net take-home wages of \$ \_\_\_\_\_ every \_\_\_\_\_.

☐ Unemployed and receiving net unemployment compensation of \$ \_\_\_\_\_ every \_\_\_\_\_.

☐ Disabled and receiving income of \$ \_\_\_\_\_ every \_\_\_\_\_.

☐ Unemployed or disabled and receiving no income or compensation.

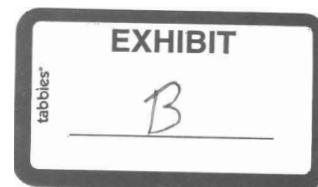
☐ Other

(explain) *receives \$450/mo Dept. Jobs Family Svcs.* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. Additionally, the debtors have net monthly income of \$ \_\_\_\_\_ from these sources: (complete only if you have income other than that already listed)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

4. Based on the foregoing, the debtors' attorney calculates that the debtors' net monthly income is (this blank is to be completed by the attorney, only) \$ 4391.

5. The debtors' monthly living expenses are as follows:



<u>677</u>	Rent or mortgage
<u>79</u>	Electricity
<u>59</u>	Heat fuel
<u>80</u>	Water and sewer
<u>-</u>	Trash removal
	Cable or satellite television
<u>100</u>	Telephone and internet
<u>500</u>	Food
<u>50</u>	Clothing
<u>60</u>	Laundry and cleaning
<u>50</u>	On-going medical and dental expenses
<u>300</u>	Gasoline and transportation
	Recreation, clubs, newspapers, magazines, entertainment
	Charitable contributions
	Homeowners or renters insurance
<u>139</u>	Life insurance
	Health insurance
<u>350</u>	Automobile insurance
<u>90</u>	Other (specify) <u>cable TV</u>
<u>160</u>	Other (specify) <u>home maintenance</u>
<u>58</u>	Other (specify) <u>r.e. taxes</u>
<u>520</u>	<u>tuition for children</u>
<u>3272</u>	Total monthly expenses

6. 1119 Excess or deficit of total monthly income over total monthly expenses.

I declare under penalty of perjury that I have read the foregoing and that it is true and correct to the best of my knowledge, information and belief.

Date: 5/23/13

/s/ Alonso Luster

Date: 5/23/13

/s/ [Signature]

Label Matrix for local noticing  
0647-5  
Case 12-52265-mss  
Northern District of Ohio  
Akron  
Thu May 23 11:41:00 EDT 2013

455 John F. Seiberling Federal Building  
US Courthouse  
2 South Main Street  
Akron, OH 44308-1848

Akron Utilities Bureau  
P.O. Box 3665  
Akron, OH 44309-3665

Atlantic Credit & Finance  
c/o Levy & Assoc.  
4645 Executive Dr.  
Columbus, OH 43220-3601

CashNetUSA  
200 W Jackson Blvd Ste 1400  
Chicago IL 60606-6929

Check Into Cash  
2174 Romig Rd.  
Akron, OH 44320-3879

Checksmart  
1731 Vernon Odom Blvd.  
Akron, OH 44320-3896

City of Akron Law Dept - APUB  
161 South High street, #202  
Akron, Ohio 44308-1655

Fingerhut  
P.O. Box 166  
Newark, NJ 07101-0166

GE Capital Retail Bank  
c/o Recovery Management Systems Corporat  
25 SE 2nd Avenue, Suite 1120  
Miami, FL 33131-1605  
Attn: Ramesh Singh

(p)AMERICREDIT  
PO BOX 183853  
ARLINGTON TX 76096-3853

CitiMortgage, Inc.  
P.O. Box 688971  
Des Moines, IA  
50368-8971

American InfoSource LP as agent for  
Check N Go  
PO Box 248838  
Oklahoma City, OK 73124-8838

Atlantic Credit and Finance  
Successor to HSBC CONSUMER LENDING  
c/o Weltman, Weinberg & Reis  
323 W. Lakeside Avenue  
Cleveland, OH 44113-1085

Cashnet USA  
200 W. Jackson Blvd. 14th Flr.  
Chicago, IL 60606-6929

Check Into Cash  
PO Box 550  
Cleveland, TN 37364-0550

CitiMortgage  
P.O. Box 183040  
Columbus, OH 43218-3040

Cuy. Co. Dept. of Jobs  
1641 Payne Ave.  
Cleveland, OH 44114-2919

First Energy  
341 White Pond Dr. Bldg. B3  
Akron, OH 44320-4200

GM Financial  
P.O.Box 183834  
Arlington, TX 76096-3834

Recovery Management Systems Corporation  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

A. T. & T. Wireless Mobility  
P.O. Box 6416  
Carol Stream, IL 60197-6416

American Loans  
1584 S. Hawkins  
Akron, OH 44320-4055

Atlantic Credit and Finance, Inc.  
Successor in Interest to HSBC  
c/o Weltman, Weinberg & Reis, Co., LPA  
P.O. Box 6597  
Cleveland, OH 44101-1597

Cavalry Portfolio Services  
500 Summit Lake Drive, Ste 400  
Valhalla, NY 10595-2322

Check N Go  
2062 Romig Rd.  
Akron, OH 44320-3820

CitiMortgage, Inc.  
PO Box 6030  
Sioux Falls, SD 57117-6030

David Sed  
269 W. Main St.  
P.O. Box 672  
Ravenna, OH 44266-0672

First Premier Bank  
P.O. Box 5519  
Sioux Falls, SD 57117-5519

Great Lakes Educational Loan Service  
Claims Filing Unit  
PO Box 8973  
Madison, WI 53708-8973



Great Lakes Higher Education  
2401 International Lane  
Madison, WI 53704-3192

JP Morgan Chase  
1111 Polaris Pkwy.  
Columbus, OH 43240-2050

JPMorgan Chase Bank, N.A.  
C/O Mary Lautenbach  
201 N. Central Ave  
Mail Code:AZI-1191  
Phoenix, AZ 85004-0073

JPMorgan Chase Bank, N.A.  
PO Box 901032  
Fort Worth, TX 76101-2032

Jefferson Capital Systems LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

Kristen M. Scalise  
Summit County Fiscal Officer  
175 S. Main Street  
Akron, Ohio 44308-1308

Montgomery Ward  
c/o Creditors Bankruptcy Service  
P.O. Box 740933  
Dallas, TX 75374-0933

Montgomery Words  
P.O. Box 2855  
Monroe, WI 53566-8055

OHIO EDISON BANKRUPTCY DEPARTMENT  
6896 MILLER RD SUITE 204  
BRECKSVILLE OH 44141-3222

Ohio Dept of Taxation  
Bankr Division  
P.O. Box 530  
Columbus, OH 43266-0030

(p)OHIO EDISON  
BANKRUPTCY DEPARTMENT  
6896 MILLER ROAD  
BRECKSVILLE OH 44141-3222

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Premier Bankcard/Charter  
P.O. Box 2208  
Vacaville, CA 95696-8208

Proactive Solutions  
P.O. Box 361448  
Des Moines, IA 50336-1448

Publisher's Clearinghouse  
P.O. Box 4002936  
Des Moines, IA 50340-2936

Publishers Clearing House  
101 Winners Circle  
Port Washington, NY 11050-2218

Regina M. VanVorous, Assistant Prosecuting A  
53 University Avenue, 7th Floor  
Akron, OH 44308-1608

Summit Co. Prosecutor, Tax  
Division  
205 S. High St.  
Akron, OH 44308-1642

The Heart Group  
3963 Loomis Pkwy.  
Ravenna, OH 44266-1800

The Ohio Bell Telephone Company  
% AT&T Services, Inc  
James Grudus, Esq.  
One AT&T Way, Room 3A218  
Bedminster, NJ 07921-2693

Thomas Zaino  
30 E. Broad St., 22nd Flr.  
Columbus, OH 43215-3414

Alonzo Robert Luster  
359 Beechwood  
Akron, OH 44320-2301

Crystal Lyn Luster  
359 Beechwood  
Akron, OH 44320-2301

Keith Rucinski  
Chapter 13 Trustee  
One Cascade Plaza  
Suite 2020  
Akron, OH 44308-1160

Robert M Whittington Jr  
39 E. Market St.  
Everett Building  
#303  
Akron, OH 44308-2017

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

AMERICREDIT FINANCIAL SERVICES, INC.  
PO BOX 183853  
ARLINGTON, TX 76096

(d)Americredit Financial Services, Inc.  
PO Box 183853  
Arlington TX 76096

Ohio Edison  
1910 W. Market St.  
Akron, OH 44313

Portfolio Recovery Associates, LLC  
PO Box 12914  
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Recovery Management Systems Corporation	End of Label Matrix	
25 S.E. 2nd Avenue, Suite 1120	Mailable recipients	54
Miami, FL 33131-1605	Bypassed recipients	1
	Total	55